



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, } CASE NO. 08-1057M
v. } ORDER OF DETENTION
Ernest Evans, Defendant. }

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I.

- A. On motion of the Government in a case allegedly involving:
1. a crime of violence.
 2. an offense with maximum sentence of life imprisonment or death.
 3. a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. any felony - where the defendant has been convicted of two or more prior offenses described above.
 5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.
- B. On motion by the Government / on Court's own motion, in a case

1 allegedly involving:

2 () On the further allegation by the Government of:

3 1. () a serious risk that the defendant will flee.

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice.

6 b. () threaten, injure, or intimidate a prospective witness or juror or
7 attempt to do so.

8 C. The Government () is/ () is not entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.

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12 II.

13 A. ~~(X)~~ The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. ~~(X)~~ the appearance of the defendant as required.

16 ~~()~~ and/or

17 2. ~~(X)~~ the safety of any person or the community.

18 B. ~~(X)~~ The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

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21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

IV.

2 The Court also has considered all the evidence adduced at the hearing and the
3 arguments and/or statements of counsel, and the Pretrial Services
4 Report/recommendation.

V

7 The Court bases the foregoing finding(s) on the following:

8 A. () As to flight risk:

16 B. () As to danger:

VI.

25 A. () The Court finds that a serious risk exists that the defendant will:

26 || 1. () obstruct or attempt to obstruct justice.

27 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

1 B. The Court bases the foregoing finding(s) on the following:

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7 *A submitted, so presumption of*
8 *detention is not rebutted.* VII.

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- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody
- 13 of the Attorney General for confinement in a corrections facility separate, to
- 14 the extent practicable, from persons awaiting or serving sentences or being
- 15 held in custody pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
- 17 opportunity for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
- 19 or on request of any attorney for the Government, the person in charge of the
- 20 corrections facility in which the defendant is confined deliver the defendant
- 21 to a United States marshal for the purpose of an appearance in connection
- 22 with a court proceeding.
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25 DATED: 4.30.2008

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Andy Weller
UNITED STATES MAGISTRATE JUDGE